United States of America National Labor Relations Board

IN THE MATTER OF:

:

OLNEY CHARTER HIGH SCHOOL, : CASE NO. AN ASPIRA OF PA SCHOOL, : 04-RC-148637

:

Employer,

:

and

:

ALLIANCE OF CHARTER SCHOOL EMPLOYEES LOCAL 6056, AFT-PA, AFT, AFL-CIO

:

Petitioner. :

EXCEPTIONS OF EMPLOYER TO THE HEARING OFFICER'S REPORT ON OBJECTION

EXCEPTIONS

Pursuant to the National Labor Relations Board's Rules and Regulations, including Sections 102.69 and 102.67 thereof, Olney Charter High School, and ASPIRA Inc. of PA School (hereinafter "Olney Charter" or "Employer") respectfully files the following Exceptions to the Hearing Officer's Report on Objection issued by Hearing Officer William Slack (hereinafter "the Hearing Officer") on July 8, 2015.

No.	Page(s)	<u>Exception</u>
1.	2	The Employer excepts to the Hearing Officer's finding that there is no
		material difference between Olney Charter and the employer in <i>John B</i> .
		Stetson Charter School, an ASPIRA of PA School, Case 04-RC-151011
		(May 14, 2015); The Pennsylvania Virtual Charter School, Case 04-RC-
		143831 (Feb. 11, 2015); The Pennsylvania Cyber Charter School, Case 06-
		RC-120811 (Feb. 24, 2014).
2.	3	The Employer excepts to the Hearing Officer's conclusion that the majority
		of Olney Charter's Board of Trustees "shall at all times be appointees of
		ASPIRA, Inc."
3.	5	The Employer excepts to the Hearing Officer's conclusion that the School

serves only in an advisory capacity. 7 The Employer excepts to the Hearing Officer's finding that Olney Charter was not created by the State, but rather, established by a private entity. 5. 7 The Employer excepts to the Hearing Officer's conclusion that the charter agreement did not create Olney Charter. 6. 8 The Employer excepts to the Hearing Officer's conclusion that Olney Charter would still exist as a non-profit corporation even if it no longer had a school to operate because Olney Charter is no different than any other corporate subsidiary created to perform under a single contract. 7. 8 The Employer excepts to the Hearing Officer's conclusion that Olney Charter was "not formed or brought into existence by the Philadelphia School District or any other branch of State government." 8. 8 The Employer excepts to the Hearing Officer's finding that Olney Charter was not created by special acts of the legislature. 9. 8 The Employer excepts to the Hearing Officer's conclusion that an entity can satisfy the second-prong of the Hawkins County test "only if individuals who run it are appointed and subject to removal by public officials." 10. 9 The Employer excepts to the Hearing Officer's conclusion that Pennsylvania law is "not controlling in determining whether [Olney Charter] is a political subdivision." 11. 9 The Employer excepts to the Hearing Officer's conclusion that despite Pennsylvania law's characterization of charter school trustees as "public officials," Olney Charter was privately created and ran by individuals who are not government officials and who do not report to government officials. 12. 9 The Employer excepts to the Hearing Officer's conclusion that the "critical and determinative factor in deciding whether an entity is run by individuals who report to the State is whether the State appoints and can remove them." 13. 10 The Employer excepts to the Hearing Officer's recommendation that Olney Charter's Objections to the Election be overruled. 14. 10 The Employer excepts to the Hearing Of			
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	15.	10	The Employer excepts to the Hearing Officer's recommendation that the
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By: _

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Attorneys for Employer, Olney Charter High School

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